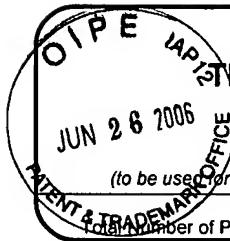


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TRANSMITTAL  
FORM

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Number of Pages in This Submission

Application Number	10/630,883
Filing Date	July 30, 2003
First Named Inventor	FOERSTER
Art Unit	3736
Examiner Name	Eleni M. Mantis Mercader
Attorney Docket Number	032,290-111

## ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
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<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		
Remarks		

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	O'MELVENY & MYERS LLP		
Signature			
Printed name	Diane K. Wong		
Date	June 22, 2006	Reg. No.	54,550

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Typed or printed name	Cynthia B. Pacheco	Date	June 22, 2006

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Patent  
Attorney Docket No. 032,290-111

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

**FOERSTER**

**Serial No.: 10/630,883**

Filed: July 30, 2003

For: **METHOD AND DEVICES FOR  
DEFINING AND MARKING TISSUE**

Group Art Unit: 3736

Examiner: Eleni M. Mantis  
Mercader

**COMMUNICATION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants are submitting copies of the five (5) enclosed Search Reports from related applications. Please note that these references have been cited in previously filed Information Disclosure Statements.

Respectfully submitted,

O'MELVENY & MYERS LLP

Dated: June 22, 2006

By: Diane K. Wong  
Diane K. Wong  
Reg. No. 54,550  
Attorneys for Applicants

O'Melveny & Myers LLP  
610 Newport Center Drive, 17<sup>th</sup> Floor  
Newport Beach, CA 92660-6429  
(949) 760-9600

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Cynthia B. Pacheco  
Cynthia B. Pacheco



P.B.5818 - Patentlaan 2  
2280 HV Rijswijk (ZH)  
+31 70 340 2040  
TX 31651 epo nl  
FAX +31 70 340 3016

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Curtis, Philip Anthony  
A.A. Thornton & Co.,  
235 High Holborn  
London WC1V 7LE  
GRANDE BRETAGNE

Datum/Date

05.12.03

Zeichen/Ref./Réf. <b>PAC/ags/18198A</b>	Anmeldung Nr./Application No./Demande n°./Patent Nr./Patent No./Brevet n°. <b>03075084.8-1265-</b>
Anmelder/Applicant/Demandeur/Patentinhaber/Proprietor/Titulaire <b>ETHICON ENDO-SURGERY, INC.</b>	

## COMMUNICATION

The European Patent Office herewith transmits as an enclosure the European search report for the above-mentioned European patent application.

If applicable, copies of the documents cited in the European search report are attached.

- Additional set(s) of copies of the documents cited in the European search report is (are) enclosed as well.

The following specifications given by the applicant have been approved by the Search Division:

- abstract       title

- The abstract was modified by the Search Division and the definitive text is attached to this communication.

The following figure will be published together with the abstract:      **18, 19, 20.**



## REFUND OF THE SEARCH FEE

If applicable under Article 10 Rules relating to fees, a separate communication from the Receiving Section on the refund of the search fee will be sent later.



DOCUMENTS CONSIDERED TO BE RELEVANT			
Category	Citation of document with indication, where appropriate, of relevant passages	Relevant to claim	CLASSIFICATION OF THE APPLICATION (Int.Cl.7)
X	US 5 195 988 A (HAAGA) 23 March 1993 (1993-03-23) * figures 1-3 *	1-4	A61B19/00
X	US 5 433 751 A (INOTEB) 18 July 1995 (1995-07-18) * abstract *	1-9	
X	US 4 356 572 A (GUILLEMIN) 2 November 1982 (1982-11-02) * example 2 *	1-9	
X	US 5 085 629 A (GOLDBERG) 4 February 1992 (1992-02-04) * abstract *	1-4,7,8	
X	US 5 192 300 A (FOWLER) 9 March 1993 (1993-03-09) * column 5, line 61 - line 65; figures 8,9 *	1-4,7	
A	US 3 194 239 A (SULLIVAN) 13 July 1965 (1965-07-13) * column 2, paragraph 3 - paragraph 4; figures 1-4 *	1,5	TECHNICAL FIELDS SEARCHED (Int.Cl.7) A61B A61F
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A	US 5 127 916 A (SPENCER) 7 July 1992 (1992-07-07)		
The present search report has been drawn up for all claims			
1	Place of search  THE HAGUE	Date of completion of the search  19 November 2003	Examiner  Barton, S
CATEGORY OF CITED DOCUMENTS			
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EP 03 07 5084

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19-11-2003

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US 5195988	A	23-03-1993	US	4838280 A	13-06-1989
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<hr/>					



European Patent  
Office

**SUPPLEMENTARY  
PARTIAL EUROPEAN SEARCH REPORT**

Application Number

which under Rule 45 of the European Patent Convention EP 99 93 5335  
shall be considered, for the purposes of subsequent  
proceedings, as the European search report

**DOCUMENTS CONSIDERED TO BE RELEVANT**

Category	Citation of document with indication, where appropriate, of relevant passages	Relevant to claim	CLASSIFICATION OF THE APPLICATION (Int.Cl.6)
X	US 5 195 988 A (HAAGA ET AL) 23 March 1993 (1993-03-23) * column 4, line 3 - line 19 * * column 7, line 58 - column 8, line 8 *	1-4, 14	A61B5/00
X	US 5 487 392 A (HAAGA ET AL) 30 January 1996 (1996-01-30) * column 5, line 51 - column 6, line 1; figure 3 *	1-4, 11, 14	

TECHNICAL FIELDS  
SEARCHED (Int.Cl.6)

A61B

The supplementary search report has been based on the last set of claims valid  
and available at the start of the search.

**INCOMPLETE SEARCH**

The Search Division considers that the present application, or some or all of its claims, does/do not comply with the EPC to such an extent that a meaningful search into the state of the art cannot be carried out, or can only be carried out partially, for the following claims:

Claims searched completely:

Claims searched incompletely:

Claims not searched:

Reason for the limitation of the search:

see sheet C

1

Place of search	Date of completion of the search	Examiner
The Hague	27 October 2005	Mayer-Martenson, E
CATEGORY OF CITED DOCUMENTS		
X : particularly relevant if taken alone Y : particularly relevant if combined with another document of the same category A : technological background O : non-written disclosure P : intermediate document		

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EP 99 93 5335

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27-10-2005

Patent document cited in search report	Publication date	Patent family member(s)		Publication date
US 5195988	A 23-03-1993	NONE		
US 5487392	A 30-01-1996	CA DE DE EP JP JP WO US	2175831 A1 69432525 D1 69432525 T2 0744916 A1 9500565 T 3198336 B2 9513746 A1 5718237 A	26-05-1995 22-05-2003 01-04-2004 04-12-1996 21-01-1997 13-08-2001 26-05-1995 17-02-1998

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LACK OF UNITY OF INVENTION  
SHEET B

Application Number  
EP 99 93 5335

The Search Division considers that the present European patent application does not comply with the requirements of unity of invention and relates to several inventions or groups of inventions, namely:

1. claims: 1-13

biopsy localisation device with bioabsorbable element being palpable

2. claims: 14-16

biopsy localisation device with bioabsorbable element having roughened margins

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## INTERNATIONAL SEARCH REPORT

International application No.  
PCT/US99/13909

## A. CLASSIFICATION OF SUBJECT MATTER

IPC(6) A61B 5/00  
US CL 600/562, 565, 567

According to International Patent Classification (IPC) or to both national classification and IPC

## B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

U.S. : 600/562, 565, 567

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)  
WEST

Search Terms: biopsy localization, bioabsorbable, biopsy site, hemostasis

## C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	US 5,487,392 A (HAAGA) 30 January 1996, col. 7 lines 58-67 to col. 8 lines 1-9.	1
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Y		2-57
Y, P	US 5,807,276 A (RUSSIN) 15 September 1998, col. 7 lines 22-24.	2-55
Y, P	US 5,795,308 A (RUSSIN) 18 August 1998, col. 7 lines 26-33.	56, 57

Further documents are listed in the continuation of Box C.  See patent family annex.

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Date of the actual completion of the international search

04 OCTOBER 1999

Date of mailing of the international search report

03 NOV 1999

Name and mailing address of the ISA/US  
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# INTERNATIONAL SEARCH REPORT

International Application No  
PCT/US 99/30619

**A. CLASSIFICATION OF SUBJECT MATTER**  
IPC 7 A61B17/00 A61B8/00 A61B19/00

According to International Patent Classification (IPC) or to both national classification and IPC

**B. FIELDS SEARCHED**

Minimum documentation searched (classification system followed by classification symbols)  
IPC 7 A61B

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, INSPEC

**C. DOCUMENTS CONSIDERED TO BE RELEVANT**

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
Y	WO 98 47430 A (VASCULAR SCIENCE INC) 29 October 1998 (1998-10-29) page 5, line 11 -page 6, line 14	1,7-12, 61-63
A	page 8, line 30 -page 11, line 34; figures claim 7	3,25-40, 51,52,60
X	—	223
Y	EP 0 534 696 A (ERLEBACHER JAY :GOLDWEIT RICHARD S (US)) 31 March 1993 (1993-03-31) column 3, line 43 - line 52 column 6, line 44 -column 7, line 55; figures	1,7-12, 61-63
A	—	15-22,34
	—/—	

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Date of the actual completion of the International search

Date of mailing of the International search report

23 August 2000

30.08.2000

Name and mailing address of the ISA  
European Patent Office, P.O. Box 8018 Patenten 2  
NL - 2280 HV Rijswijk  
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Authorized officer

Manschot, J

## INTERNATIONAL SEARCH REPORT

International Application No

PCT/US 99/30619

## C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	US 5 108 421 A (FOWLER BRADFORD C) 28 April 1992 (1992-04-28) column 5, line 29 -column 6, line 51; figures column 1, line 13 - line 30	1,7-12, 25-28
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A	US 4 787 391 A (ELEFTERIADES JOHN A) 29 November 1988 (1988-11-29)  column 3, line 34 -column 4, line 48; claims; figures	1-3, 7-12, 26-28
A	US 5 545 566 A (BRENNEMAN RODNEY ET AL) 8 July 1997 (1997-07-08) the whole document	1
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A	FR 2 714 284 A (LERICHE HENRI;GERARDIN BENOIT; PETITIER HUBERT) 30 June 1995 (1995-06-30)  page 9, line 7 - line 29; figures	1,2, 7-12,23, 24,35, 60-63
X	WO 96 08208 A (BIOPSYS MEDICAL INC) 21 March 1996 (1996-03-21)	84-87, 91,93, 94,100, 110,119, 120,123, 124,127, 128
A	page 17, line 25 -page 18, line 15; claims; figures	60,79,82
X	DE 44 03 789 A (SCHERING AG) 10 August 1995 (1995-08-10) column 3, line 55 - line 68 column 7, line 10 - line 35	65,66, 69,71,72
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		-/-

## INTERNATIONAL SEARCH REPORT

International Application No  
PCT/US 99/30619

C (Continued) DOCUMENTS CONSIDERED TO BE RELEVANT		
Category *	Obligation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	DUFRANE P ET AL: "PREBIOPSY LOCALIZATION OF NON-PALPABLE BREAST CANCER" JOURNAL BELGE DE RADIOLOGIE, XX, XX, vol. 73, no. 5, 1 October 1990 (1990-10-01), pages 401-404, XP000513990 the whole document	65, 67
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A	US 5 394 886 A (NABAI HOSSEIN ET AL) 7 March 1995 (1995-03-07) the whole document	224

## IN INTERNATIONAL SEARCH REPORT

Int'l Application No  
PCT/US 95/11558

A. CLASSIFICATION OF SUBJECT MATTER  
IPC 6 A61B19/00

According to International Patent Classification (IPC) or to both national classification and IPC

## B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)  
IPC 6 A61B A61F

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

## C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	EP,A,0 146 699 (SULZER) 3 July 1985	1,2,13, 15,16, 19,20, 22,23
Y	see page 3, last paragraph - page 4, paragraph 3; figures 1,2 ----	3,4,7,8, 10,17, 21,24, 27,28
X	EP,A,0 293 605 (MEDITECH) 7 December 1988 see column 5, last paragraph see column 8, last paragraph - column 9, paragraph 1; figures 3,10 ---- -/-	1,2,4, 7-12

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Date of the actual completion of the international search

Date of mailing of the international search report

17 January 1996

26.01.96

Name and mailing address of the ISA

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NL-2230 HV Rijswijk  
Tel. (+31-70) 340-2040, Tx. 31 651 apo nl,  
Fax: (+31-70) 340-3016

Authorized officer

Barton, S

## INTERNATIONAL SEARCH REPORT

International Application No  
PCT/US 95/11558

C(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT		
Category	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	EP,A,0 350 043 (PALESTRANT) 10 January 1990  see column 10, paragraph 3; figures 4-6 ---	1,2,4,7, 10-13, 19-23, 25-27
X	US,A,4 693 237 (HOFFMAN) 15 September 1987  see claims 1-4 ---	1,15,19, 22,23
X	US,A,4 682 606 (DECAPRIO) 28 July 1987 see abstract; figures 3,16 ---	1,19
Y	EP,A,0 481 685 (COOK) 22 April 1992  see abstract; figures 5,7 ---	3,4,7,8, 10,17, 21,27,28 5,6,20
Y	GB,A,2 132 091 (BARD) 4 July 1984 see page 1, line 112 - line 117 ---	24
A	US,A,4 909 250 (SMITH) 20 March 1990 see abstract; figures 1,3,4,6 ---	9
A	WO,A,93 19803 (BOSTON SCIENTIFIC) 14 October 1993 see abstract; figure 5; example 3 ---	1,11
A	WO,A,90 15576 (RESEARCH CORPORATION TECHNOLOGIES) 27 December 1990 see page 17, line 16 - line 17; figures 6,7 ---	1,19
A	US,A,5 195 540 (SHIBER) 23 March 1993 see abstract; figures 1,6 -----	1,19

**INTERNATIONAL SEARCH REPORT**

International application No.

**PCT/US95/11558****Box I Observations where certain claims were found unsearchable (Continuation of item 1 of first sheet)**

This international search report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1.  Claims Nos.: **29-34**  
because they relate to subject matter not required to be searched by this Authority, namely:  
**PCT Rule 39.1 (iv)**
  
2.  Claims Nos.:  
because they relate to parts of the international application that do not comply with the prescribed requirements to such an extent that no meaningful international search can be carried out, specifically:
  
3.  Claims Nos.:  
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

**Box II Observations where unity of invention is lacking (Continuation of item 2 of first sheet)**

This International Searching Authority found multiple inventions in this international application, as follows:

1.  As all required additional search fees were timely paid by the applicant, this international search report covers all searchable claims.
  
2.  As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
  
3.  As only some of the required additional search fees were timely paid by the applicant, this international search report covers only those claims for which fees were paid, specifically claims Nos.:
  
4.  No required additional search fees were timely paid by the applicant. Consequently, this international search report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

Remark on Protest

- The additional search fees were accompanied by the applicant's protest.  
 No protest accompanied the payment of additional search fees.

## INTERNATIONAL SEARCH REPORT

Information on patent family members

Final Application No  
PCT/US 95/11558

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Information on patent family members

Date

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PCT/US 95/11558

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